

MUNICIPAL SANITATION UTILITY

Mark McIver, Pretreatment Coordinator
February 26, 1998

Richard Tyler, Plant Manager
Milbank Mfg., Inc.
1400 E. Havens
Kokomo, In, 46003-0754

**WASTEWATER TREATMENT PLANT**

1501 West Markland Ave.
KOKOMO, IN 46901
(765) 457-5509 • FAX (765) 457-9781

NOTICE OF SIGNIFICANT NON-COMPLIANCE PUBLICATION FOR 1997

The Industrial Pretreatment Coordinator for the City of Kokomo is required to annually publish a list of significant industrial users which, at any time during the previous calendar year, were in Significant Non-Compliance, per requirements of 40 CFR Part 403.8 (f)(2)(vii) and the City's NPDES Permit #0032875 (Part III). This notice is submitted to meet the requirements for identifying Significant Non-Compliance for calendar year 1997.

Significant Non-Compliance was determined at the following:

Milbank Mfg., Inc.

1400 E. Havens

Kokomo, In. 46003-0754

Violations Were:

Missing Quarterly and Semi-Annual Reports

Chronic Discharge Violations

Exceeded Technical Review Criteria

Compliance Order

Failure to Accurately Report

Actions Taken:

November 24, 1997, Notice of Violation

December 2, 1997, Administrative Order

December 2, 1997, Enforcement Compliance Schedule

Federal regulations and the terms of the City's NPDES Permit #0032875 (Part III), require the identification of the industrial concerns listed above. Inclusion in this list should not be construed as being indicative of failure, or unwillingness, on the part of the concerns listed to remediate or correct the deficiencies which led to their classification as being in Significant Non-Compliance for the year 1997 under applicable Federal and State regulations.

Compiled for Public Notice February 23, 1998 by the Kokomo Wastewater Treatment Plant, Pretreatment Team, City of Kokomo.

This notice is scheduled to appear in the Kokomo Tribune on Friday, February 27, 1998. If you have any concerns or comments, please call me (765) 457-5509.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark R. McIver".

Mark R. McIver, Pretreatment Coordinator

ATTN

Do Skinner

Mr. Mitchell Smith
Superintendent, Wastewater Treatment Plant
1501 West Markland Ave.
Kokomo, IN 46901

Ref: Administrative Order letter, dated December 2, 1997 concerning Industrial Pretreatment Permit #016.

Dear Mr. Smith,

In response to Item 4, we offer the following schedule as a means to bring our facility into compliance with our Permit:

- 1) Many of our violations were associated with recordkeeping and reporting. Steps have already been put in place to organize the necessary information and have this information shared between at least two of the local management personnel. Multiple copies of the testing reports, correspondence and related information will be maintained at both the manufacturing plant facility and at the Corporate offices.
- 2) All wastewater testing will be performed by an independent certified laboratory. Results of the testing will be maintained locally and forwarded to the Superintendent's office as required. We have retained the services of Astbury Water Technology, Inc., Indianapolis, IN for the immediate twice-weekly testing. This testing is scheduled to start on December 9, 1997. If needed, we may also utilize the laboratory facilities of our chemical supplier, Diversy Chemicals.
- 3) Concerning our limit exceedance violations, we believe this can be controlled with better process management. Our records have indicated inconsistencies with the system's maintenance. Part of the improved process management will require the construction and utilization of a new holding tank for precipitation and/or sedimentation. Materials have been ordered for the tank, and it is expected to be constructed by January 15, 1998. Procedures associated with the tank's operation are expected to be complete by the same date.
- 4) A spill prevention plan is currently being developed. Related to this, spill containment cabinets for the raw chemicals used in the 5-stage cleaning system have already been ordered. The plan is expected to be completed and in place by the March 15, 1998 deadline.

5) Concerning total toxic organics, Material Safety Data Sheets are being re-evaluated to determine the toxic organics most likely to be present, if any. Based on the good results of our last toxic organics test in June of this year, we are considering the development of a Toxic Organic Management Plan in lieu of monitoring. We are working with Astbury Water Technology, Inc. on the plan's details and feasibility. Until we attempt to implement this, we will continue to test for the appropriate toxic organics as required. Our second semi-annual test is scheduled later this month.

6) All delinquent permit fees and violation payments will be made pending approval from the parent company owners.

MUNICIPAL SANITATION UTILITY

Mitchell L. Smith, Superintendent



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ADMINISTRATIVE ORDER

December 2, 1997

**Mr. Richard Tyler
Plant Manager, Milbank Mfg. Inc.
1400 East Havens Street
Kokomo, In. 46903-0754**

Re: Kokomo Pretreatment Permit #016 Violations

Dear Mr. Tyler,

This Administrative Order is issued to correct violations of the Industrial Pretreatment Permit issued to Milbank Mfg. Inc., Kokomo, Indiana. The violations identified in the Notice of Violation (previously provided) must be addressed according to the Enforcement Compliance Schedule attached to this Administrative Order.

Immediate action must be instituted to bring your company back into compliance with all Local, State and Federal Categorical Industry Regulations. The Compliance Inspection of November 17, 1997; subsequent meetings with you and the Pretreatment Team; telephone discussions with your Corporation's Headquarters; and the nature and quantity of violations dictate that this matter be resolved as soon as possible.

The protection of the Kokomo Wastewater Treatment Plant and the Wildcat Creek is a high priority. The Kokomo Wastewater Treatment Plant is subject to penalties up to \$25,000 a day for violations of our NPDES permit if the amount of pollutants entering our plant and system are not properly controlled.

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A written response is required indicating a reason(s) for noncompliance and what steps are being taken to eliminate any future violations of this nature within (10) days from the receipt of this letter.

A review of our file indicates numerous violations and resulting penalties totaling \$56,000, which could be assessed to your facility. This is in accordance with the ordinance for industrial use of publicly owned sewage facility (Ordinance No. 5444 Amended April 1985). Stipulation of a portion of these penalties may be granted by complying with the enforcement compliance schedule.

Thank you for your cooperation and forthrightness during our meetings. If you have any questions, please call Mark McIver of the Kokomo Pretreatment Team at (765) 457-5509, ext. #29.

Sincerely,

Mitchell Smith
Wastewater Treatment Plant Superintendent

MS/mrm

cc: Ken Ferries, City Attorney
Kenneth Tenney, USEPA
Bill Blue, Pretreatment Coordinator, IDEM

MUNICIPAL SANITATION UTILITY

Mitchell L. Smith, Superintendent



WASTEWATER TREATMENT PLANT

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ENFORCEMENT COMPLIANCE SCHEDULE – Milbank Mfg. Inc.

Re: Kokomo Pretreatment Permit #016

Milbank Mfg. Inc. will meet the following Compliance Schedule.

- 1. BY DECEMBER 12, 1997 – Increase sampling frequency to two (2) times per week until compliance with all regulatory requirements is documented for three (3) consecutive weeks. Representative samples are to be taken at the permitted monitoring point on Tuesdays and Thursdays using a composite sampler.**
 - (a) Eight flow-proportioned samples shall be collected for an eight- hour shift.**
 - (b) Sixteen flow-proportioned samples shall be collected for a sixteen-hour shift.**
 - (c) Twenty-four flow-proportioned samples shall be collected for a twenty-four hour shift.**
- 2. BY DECEMBER 12, 1997 – Initiate analysis for the following parameters: Silver (Ag), Iron (Fe), Zinc (Zn) and Lead (Pb), using a composite sample (collected as described in #1) which is representative of the operations discharge to the Kokomo Wastewater Treatment plant.**
- 3. BY DECEMBER 12, 1997 - Pay all delinquent Industrial Discharge Permit fees in full. (a total \$7,200 for the years 94, 95, 96, 97)**

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4. **BY DECEMBER 15, 1997 – Provide demonstration of your intentions and the methods identified with a schedule, to return to full compliance with Local, State and Federal Regulations. (e.g., retain a consultant, hire certified industrial operator, etc...)**
5. **BY DECEMBER 15, 1997 - Submit a check for \$26,000 to the City of Kokomo Sanitation Utility as payment for the violations identified in attachment #1. The total penalty calculated for those violations was \$56,000. The remaining \$30,000 is stipulated as follows, and will not be collected if the stipulated terms are met.**
 - (a) **A check for \$5,000 must be submitted if the sampling described in Items 1 and 2 and items 3 and 4 are not performed as described and completed by the dates identified.**
 - (b) **A check for \$10,000 must be submitted if the report described in Item 7 is not completed and submitted by the date identified.**
 - (c) **A check for \$15,000 must be submitted if all Items are not completed as described and the deadline in Item 8 is not met.**
6. **BY DECEMBER 31, 1998 – Pay the renewal fee of \$1800.00 for your permit to discharge Industrial Wastewater to the Kokomo Wastewater Treatment Plant for 1998.**
7. **BY JANUARY 15, 1998 – Submit a written progress report to the Superintendent outlining methods being taken to return to compliance with Federal, State and Local Pretreatment regulations.**

MUNICIPAL SANITATION UTILITY

Mitchell L. Smith, Superintendent



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8. ⁸ **BY MARCH 15, 1997** – Place into operation a Pretreatment Program and any needed equipment to achieve and maintain compliance with the Pretreatment Permit issued by the Kokomo Pretreatment Program.
9. **Penalties of \$100/day will be assessed for each day beyond a specified date if any or all of the above dates are not met.**

Mitchell Smith
Superintendent
City of Kokomo Wastewater Treatment Plant

Date _____

Richard Tyler
Plant Manager
Milbank Mfg. Inc.

Date _____

ATTACHMENT 1

Milbank Mfg. Inc., Kokomo, Indiana; SUMMARY of VIOLATIONS

SIGNIFICANT NON-COMPLIANCE:

**1. Missing Quarterly and Semiannual Reports
CFR 403.8 (f) (2) (vii) (F)**

a.	Quarterly Violations		Status	Violation #
	Jul-Aug-Sep	1994	yes	#1
	Oct-Nov-Dec	1994	no	N/A
	Jan-Feb-Mar	1995	yes	#2
	Apr-May-Jun	1995	yes	#3
	Jul-Aug-Sep	1995	yes	#4
	Oct-Nov-Dec	1995	yes	#5
	Jan-Feb-Mar	1996	yes	#6
	Apr-May-Jun	1996	yes	#7
	Jul-Aug-Sep	1996	yes	#8
	Oct-Nov-Dec	1996	yes	#9
	Jan-Feb-Mar	1997	no	N/A
	Apr-May-Jun	1997	no	N/A
	Jul-Aug-Sep	1997	no	N/A
b.	Jul-Dec	1994	yes	#10
	Jan-Jun	1995	no	N/A
	Jul-Dec	1995	yes	#11

**Milbank Mfg. Inc., Kokomo, Indiana; SUMMARY of VIOLATIONS
(Cont'd)**

Quarterly Violations		Status	Violation #
Jan-Jun	1996	yes	#12
Jul-Dec	1996	yes	#13
Jan-Jun	1997	yes	#14

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| | Violation # |
| 2. Chronic Discharge Violations
CFR 403.8 (f) (2) (vii) (A)
1 st , 2 nd and 3 rd Quarter of 1997 | #15, #16, #17 |
| 3. Technical Review Criteria
CFR 403.8 (f) (2) (vii) (B)
1 st , 2 nd and 3 rd Quarter of 1997 | #18, #19, #20 |
| 4. Compliance Order (Local Control Mechanism
CFR 403.8 (f) (2) (vii) (E)
Items 1, 2, 3, 4, 8, 9 | #21, #22, #23, #24, #25, #26 |
| 5. Failure to Accurately Report
CFR 403.8 (f) (2) (vii) (G)
1994 - 1997 (14) Total | #27 through #40 |

PERMIT VIOLATIONS:

1. Exceedance of the SUO Zinc Discharge Limits
Page 3 Part I - section A Paragraph d. #41

**Milbank Mfg. Inc., Kokomo, Indiana; SUMMARY of VIOLATIONS
(Cont'd)**

	Violation #
2. Failure to Submit a Spill Prevention Plan Page 5 Part II section B Item (1)	#42
3. Failure to pay Permit Fees Page 5 Part II section B Item (4)	#43
4. Failure to Notify Within 24 Hours (Limit Exceedance) Page 6 part III section B Item (2)	#44,#45,#46
5. Failure to Resample (Limit Exceedance) Page 6 part III section B Item (2)	#47,#48,#49
6. Failure to Submit Results (Limit Exceedance) Page 6 part III section B Item (2)	#50
7. Failure to Submit Reports Page 6 Part II section B Item (4)	#51
8. Failure to Submit Reports Page 6 Part II section B Item (5)	#52
9. Failure to Meet TTO Monitoring Reporting Requirements Page 7 Part III section C Item (1)	#53
10. Failure to Meet Records Retention Requirements Page 9 Part IV section B Item (3)	#54
11. Failure to Sign Reports Page 10 part IV section B Item(4)	#55
12. Operator Certification Page 12 part IV section B Item(18)	#56



MUNICIPAL SANITATION UTILITY
WASTEWATER TREATMENT PLANT

RHONDA HUFFER
Pretreatment Team
FAX (765) 457-9781

1501 West Markland Ave.
KOKOMO, IN 46901
Phone (765) 457-5509 - Ext. 29



MUNICIPAL SANITATION UTILITY
WASTEWATER TREATMENT PLANT

MITCHELL SMITH
Superintendent
(765) 454-7153

1501 West Markland Ave.
KOKOMO, IN 46901
Phone (765) 457-5509

Millennium Environmental →

David M. Wagner, President
104 S. River Road
Waterville, Ohio 43566

Phone/FAX: 419/878-6624

Dick Knight
mayor asst



MUNICIPAL SANITATION UTILITY
WASTEWATER TREATMENT PLANT

MARK MCCORMACK
Pretreatment Team
FAX (765) 457-9781

1501 West Markland Ave.
KOKOMO, IN 46901
Phone (765) 457-5509 - Ext. 29

Ken Ferries
lawyer for city

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MILBANK MANUFACTURING CO.
P.O. BOX 419028
KANSAS CITY, MO 64141-0028


1299

18-3/1010

DATE Dec. 4, 1997

PAY
TO THE
ORDER OF Wastewater Treatment Plant \$ 26,000.00*

Twenty six thousand & 00/100***** DOLLARS  Security Features
Detailed on back.

 **BOATMEN'S**
BOATMEN'S FIRST NATIONAL BANK OF KANSAS CITY, KANSAS CITY, MISSOURI 64105-0001

For Zinc wastewater violations Quane Skinner MP

⑈00001299⑈ ⑆101000035⑆ 010100006416⑈

132


MILBANK MANUFACTURING CO.
P.O. BOX 419028
KANSAS CITY, MO 64141-0028


1300

18-3/1010

DATE Dec. 4, 1997

PAY
TO THE
ORDER OF Wastewater Treatment Plant \$ 7,200.00***

Seven thousand two hundred & 00/100***** DOLLARS  Security Features
Detailed on back.

 **BOATMEN'S**
BOATMEN'S FIRST NATIONAL BANK OF KANSAS CITY, KANSAS CITY, MISSOURI 64105-0001

For Discharge permit fees 94-95-96-97 Quane Skinner MP

⑈00001300⑈ ⑆101000035⑆ 010100006416⑈

MIL0000559

MUNICIPAL SANITATION UTILITY

Notice of Violation



WASTEWATER TREATMENT PLANT

1501 West Markland Ave.

KOKOMO, IN 46901

(765) 457-5509 • FAX (765) 457-9781

Date of notification _____

Industry Information:

Name: MILBANKS MFG CO. INC. Office Phone 452-5694
Address: 1400 E. HAVENS ST. KOKOMO, IN 46903 Zip Code 0754
Company Agent: RICHARD TYLER Title PLANT MANAGER
3643
SIC Number: 3444 Permit Number: 016 Expiration Date 6/24/99 Date of Last NOV NONE

Violation Information

Significant Non-Compliance ☒ Reason: 1. MISSING QUARTERLY AND SEMI-ANNUAL REPORTS. 2. CHRONIC DISCHARGE VIOLATIONS. 3. TECHNICAL REVIEW CRITERIA. 4. COMPLIANCE ORDER. 5. FAILURE TO ACCURATELY REPORT.

Minor Violation ☒ Compliance Order ☒ Failure to Notify ☒ Missing Report ☒ Limit Exceedance(s) ☒

No Certifying Signature ☒ Late Report ☒ Violation of Permit ☒ Violation of Sewer Use Ordinance(s) ☒

Other(s) _____

Violated Ordinance/Law/Act/Order EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS. 2. SPECIAL CONDITIONS / COMPLIANCE SCHEDULES. 3. MONITORING AND REPORTING. 4. STANDARD CONDITIONS.

Explanation of Violation SEE ATTACHMENT FOR REFERENCE NUMBERS.

Enforcement Action

AGREE ~~NO~~ ADMINISTRATIVE ORDER AND ENFORCEMENT COMPLIANCE SCHEDULE.

Mitchell Smith

Wastewater Treatment Plant Superintendent

Rec'd R. Tyler
11-24-97

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KOKOMO, IN 46901

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Attachment:**Significant Non-Compliance:**

1. CFR 403.8 (f) (2) (vii) (F)
2. CFR 403.8 (f) (2) (vii) (A)
3. CFR 403.8 (f) (2) (vii) (B)
4. CFR 403.8 (f) (2) (vii) (E)
5. CFR 403.8 (f) (2) (vii) (G)

Permit Violations:

1. Page 3 part I -A section D
2. Page 5 part II section B (1) (4)
3. Page 6 part III section B (2) (4) (5)
4. Page 9 part IV section B (3)
5. Page 12 part IV section B (18)